

### REMARKS

Applicant respectfully requests entry of the amendments and remarks submitted herein. Claim 1 has been canceled, and claims 2, 4-7, 10, 11, 13, 14, 19 and 20 have been amended to correct the claim dependency.

Claims 2-8 and 10-13 are currently pending, and claims 14-24 are withdrawn as directed toward non-elected species. Reconsideration of the pending application is respectfully requested.

#### The 35 U.S.C. §102 Rejections

Claims 1-6, 10 and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Huber et al. (U.S. Patent No. 5,066,529) for the reasons of record.

Without acquiescing to the Examiner's rejection, however, Applicant has canceled claim 1 without prejudice to continued prosecution. Therefore, Applicant respectfully submits that the rejection of claims 1-6, 10 and 13 under 35 U.S.C. §102(b) is moot.

Claims 1-6, 10, and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Mullis (U.S. Publication No. 2002/0083507) for the reasons of record.

Without acquiescing to the Examiner's rejection, however, Applicant has canceled claim 1 without prejudice to continued prosecution. Therefore, Applicant respectfully submits that the rejection of claims 1-6, 10 and 13 under 35 U.S.C. §102(b) is moot.

#### The 35 U.S.C. §103 Rejections

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Huber et al or Mullis in view of Lee (U.S. Patent No. 4,792,471) or Crawford (U.S. Patent No. 4,517,230) for the reasons of record. This rejection is respectfully traversed.

Since claim 1 has been canceled herein, claim 11 has been amended to correct its dependency. Claim 11 now depends from independent claim 12. In view of this amendment, the §103 rejection of claim 11 over Huber et al. or Mullis et al. in view of Lee or Crawford is moot. Applicant notes that the obviousness rejection of independent claim 12 is discussed below.

Accordingly, Applicant respectfully requests that the rejection of claim 11 under 35 U.S.C. §103(a) be withdrawn.

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Huber et al in view of Bylund et al (U.S. Patent No. 5,486,385) for the reasons of record. This rejection is respectfully traversed.

Since claim 1 has been canceled herein, claims 7 and 8 have been amended to correct their dependency. Claims 7 and 8 now depend, either directly or indirectly, from independent claim 12. In view of this amendment, the §103 rejection of claims 7 and 8 Huber et al. in view of Bylund et al. is moot. Applicant notes that the obviousness rejection of independent claim 12 is discussed below. Accordingly, Applicant respectfully requests that the rejection of claims 7 and 8 under 35 U.S.C. §103(a) be withdrawn.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Huber et al. in view of Hamilton (U.S. Patent No. 5,010,589) for the reasons of record. According to the Examiner, Huber et al. teaches a self-adherent wrap having a camouflage pattern thereon, and Hamilton teaches that hunters use scents applied to their clothing to attract animals. Applicants respectfully traverse this rejection.

"Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so." *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006) and MPEP §2142. References relied upon to teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) and *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Claim 12 is directed toward a camouflage self-adherent wrap having a substance impregnated therein. Applicant notes that the substances recited in claim 12 not only include

compounds having an odor but also include compounds such as silicone, compounds that provide an anti-UV coating, compounds that provide an infra-red detection deterrent coating, compounds that block odors, insect repellent, anti-fungal compounds, and/or anti-bacterial compounds.

As discussed in the Response to Office Action filed March 16, 2006 and September 19, 2006, Huber et al. teaches a camouflage tape, while Hamilton teaches a removable fringe for clothing that can be scented or contain lures. Even if Huber et al. were to disclose a self-adherent wrap (which, Applicant submits, Huber et al. does not), the Examiner has not pointed to any disclosure in either reference that would motivate or suggest to one of skill in the art that a camouflage tape or wrap can be impregnated with one of the claimed compounds. Since the Examiner has not presented any evidence of a motivation to combine the references and produce the claimed self-adherent camouflage wrap impregnated with one of the claimed compounds, the claimed invention is not obvious in view of the cited references. In view of the amendments and remarks herein, Applicant respectfully requests that the rejection of claim 12 under 35 U.S.C. §103(a) be withdrawn.

Request for Rejoinder


Claims 14-24 were withdrawn as directed to non-elected inventions following Restriction and the September 28, 2005 telephone election. The claims of Group II (claims 14-20) were drawn to a method of using a camouflage wrap and the claims of Group III (claims 21-24) were drawn to a method of making a camouflage wrap. Since elected claims 2-8 and 10-13 drawn to a camouflage wrap should be allowable in view of the remarks herein, Applicant respectfully requests rejoinder of claims 14-24 directed to the process of making and the process of using the camouflage wrap of claim 12. This request for rejoinder is being made pursuant to MPEP §821.04(b).

CONCLUSION

Applicant respectfully requests that claims 2-6 and 8-24 be allowed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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